

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2007, I electronically filed the foregoing MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT, with the Clerk of the Southern District Court using its CM/ECF system, which would then electronically notify the CM/ECF participants on the case as indicated below and also by depositing true and correct copies thereof, enclosed in a wrapper addressed as shown below, into the custody of Federal Express for overnight delivery, prior to the latest time designated by that service for overnight delivery addressed to the last known address of each addressee as indicated below:

Matthew G. Parisi
Bleakley Platt & Schmidt, LLP
One North Lexington Avenue
White Plains, New York 10601

Turner A. Broughton
Williams Mullen
A Professional Corporation
Two James Center
1021 East Cary Street (23219)
P.O. Box 1320
Richmond, VA 23218-1320

/s/ Jeffrey I. Carton
MEISELMAN, DENLEA, PACKMAN,
CARTON & EBERZ P.C.
Jeffrey I. Carton (JIC-513238)
Jerome Noll (JN-7542)
John B. Dawson (JD-2709)
Attorneys for Plaintiff
1311 Mamaroneck Avenue
White Plains, NY 10605
Tel: (914) 517-5000
jcarton@mdpcelaw.com